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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the second periodic report of the Syrian Arab Republic

Addendum

Information provided by the Syrian Arab Republic in follow-up to the concluding observations*

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Note: The present document is being issued in Arabic, English, French and Spanish only.

* The present document is being issued without formal editing.

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Based on the recommendations issued by the Committee on the Elimination of All Forms of Discrimination against Women on for July 2014, in which the committee requests (in paragraph 53) to provide, within one year, written information on the steps taken to implement the recommendations contained in paragraphs 14 (a) and (b), 16, 27 (c), (d) and 30 (c), we state the following:

I. Paragraph 14 (a) of the concluding observations:

The committee recommends reviving the peace negotiations and ensuring the effective and inclusive participation of women holding different political views at all stages of the peace process and in all initiatives, as well as in transitional justice processes, in particular at the decision-making level, and at the national and local levels, and, to that end, to adopt temporary special measures, such as quotas, in conformity with article 4 (1) of the Convention, and to develop capacity building programmes for women seeking to participate in such processes.

The Syrian Commission for Family and Population Affairs, in cooperation with the People's Council, conducted a study on the quota system. The study makes a number of recommendations. The key recommendation is to develop a national, practical strategy to strengthen the participation of women in elected councils and executive posts by developing the capacities of Syrian women, empowering them, working to free them from social constraints blocking such participation in all fields, reviewing and amending articles in the law that discriminate against women, and strengthening — through the relevant agencies — opportunities for the participation of women on multiple levels.

a. Commission for Family and Population Affairs

The Syrian Commission for Family and Population Affairs has initiated the adoption of a series of measures in collaboration with national agencies (government and civil) to implement the recommendation. To this end, it has undertaken the following:

- Development of actual statistics on the rate of participation of women in all elected councils, commissions and public executive departments; preparation of research in this regard; and the provision of information on the evolution of women's participation in public life in the Syrian Arab Republic, particularly under the current circumstances.
- The holding of workshops to support and encourage unions, federations and associations (all civil society institutions) to provide opportunities for empowering women to serve on their high commissions and boards of directors.
- Development of the capacities of women to make decisions and express their views; and the development of their management knowledge and skills through development projects, training programmes and management development programmes.
- Action in collaboration with the government to increase opportunities for women to gain leadership skills to fill leadership posts in all institutions.

- Encouragement, in collaboration with the government and civil society organizations, of the establishment of more nongovernmental organizations concerned with promoting the role of women in society and seeking to surmount all constraints and obstacles that impede the empowerment of women to play their full role in society. The assembly of the Syrian Women for Peace was the first step on this path in cooperation between the Ministry of Social Affairs and the Syrian Commission for Family and Population Affairs.
- Encouragement of women through the media based on an agreement with national media organizations to increase media coverage and to shed light on the growing role of Syrian women in national public affairs. The Commission for Family and Population Affairs sponsors a television programme that focuses largely on promoting the role of women in society. The General Women's Federation also hosts radio and television programmes with the same focus.
- Over the course of last year (8 August 2014-1 July 2015), the Commission conducted studies and workshops with all relevant agencies and formulated proposals for laws or the amendment of current laws concerning women and their needs (alimony, custody, nationality).
- Periodical holding of training symposia and workshops to strengthen awareness of the importance of women's participation at the various levels.
- Creation of a battered woman protection unit. Efforts are currently being made to prepare the unit and formulate its operating bylaws. The unit is expected to open at the beginning of the coming year.
- The holding of a series of courses in collaboration with the Geneva Institute for Human Rights in 2010 and 2011 for representatives of all government ministries, including internal security force personnel, to familiarize participants with women's rights and to provide training in the preparation of the periodic report for the Committee on the Elimination of All Forms of Discrimination against Women.

b. The People's Council:

The People's Council adopted a series of measures to strengthen the role of Syrian women in parliamentary and public life, including:

- The formation of a committee to study and update all legislation concerning women with a view toward eliminating all obstacles facing women to thereby strengthen their participation in various aspects of public political, economic and social life.
- Expansion of the duties and authorities of the Committee for the Rights of Women, the Family and the Child in the People's Council to enable it to develop appropriate mechanisms to achieve greater participation for women in elected councils and executive departments.
- Establishment of a "Women's Parliamentary Group" comprising women parliamentarians in the People's Council to develop an agreed agenda for supporting and strengthening women's participation in elected and executive councils; and the formation of a true grassroots action group to establish

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strong relations with all national agencies and civil society and other organizations concerned with women.

c. The political sphere:

Generally, the political parties are the most influential, effective instrument through which one can stand for elected councils. Thus, the Syrian Government, through its executive arms (Ministry of Social Affairs, Syrian Commission for Family and Population Affairs and the General Women's Federation) has acted to support and encourage the political parties across the spectrum to adopt their own measures to:

- Increase women's participation in the parties' candidate lists for elected councils.
- Increase the representation of women in party leadership posts and organizations; and support and help women and provide special facilities for them in their work.
- Establish a support network for female candidates in elections for parliament, the local councils and all elected councils and for elected women to improve the rates of empowerment, attraction and retention (sustainability).

In this regard, after the Political Parties Law (Legislative Decree No. 100 of 2011) was issued, ten new parties were licensed, including two parties headed by women and a third party in which a woman serves as deputy chairperson. Women constitute 25-35 per cent of the members of parties. The bylaws of the parties emphasize the empowerment of women, engagement of women in political life and the importance of women holding leadership posts at different levels in the party.

In this regard, the Syrian Commission for Family and Population Affairs prepared a manual for developing the capacities of women wishing to work in women's affairs in civil society. The manual covers the principles of transitional justice and United Nations resolutions on women in armed conflict. It explains the Convention on the Elimination of All Forms of Discrimination against Women and summarizes general, relevant comments. The relevant associations have been trained according to this manual, which has been distributed over a broad scope to expand and disseminate knowledge in this regard.

The General Women's Federation has trained 2500 women in communication skills through 20 courses which it has held in most Syrian governorates.

II. Paragraph 16 of the concluding observations:

The Ministry of Justice stated — in its opinion addressed to the Ministry of Foreign Affairs and Expatriates, which was included in the letter addressed to the Department of International Organizations and Conferences of 24 February 2014 — that there is no objection to withdrawing the reservations to article 2 after the amendment of a number of articles of the Penal Code pursuant to Decree No. 1 of 2011 in respect of certain offenses involving breach of public morals.

Article 15 (4) of the Convention does not conflict with current Syrian laws concerning women with respect to the following:

- Syrian laws grant single women complete freedom to travel and move inside and outside the territory of the Syrian Arab Republic without obtaining the consent of anyone.
- A married woman is entitled to move and travel inside and outside the territory of the Syrian Arab Republic without her husband's consent.
- A married woman is not entitled to move and travel with her children outside the territory of the Syrian Arab Republic without her husband's consent in compliance with the interests of the child, which requires supervision by the child's guardian in his area of residence. Syrian law gives precedence to the best interests of the child.

In addition, under the country's current circumstances, the Syrian judiciary grants temporary custody to the mother in the father's absence. It permits the mother to travel and move with her children inside and outside the territory of the Syrian Arab Republic without the consent of the children's guardian in order to protect the children's lives. During 2012-2014, the judiciary granted hundreds of Syrian mothers temporary custody of their children in the absence of the father. The General Women's Federation has submitted a proposed amendment to the Nationality Law of 1969, article 276 (1). The amendment grants nationality to the children of a Syrian mother. The competent relevant agencies are currently studying the proposed amendment.

A married woman's freedom of residence is governed by articles 56-70 of the Syrian Law of Personal Status, (No. 59 of 1953), amended by Law No. 34 of 1975, articles 56-70 and by provisions of the Syrian Constitution of 2012, which affirms that the family is the nucleus of society. The Law of Personal Status seeks to maintain and strengthen the bonds of the family. It establishes a State duty to act to remove all obstacles that impede marriage and threaten the cohesion of the family.

III. Paragraph 27 (c) and (d) of the concluding observations:

The laws in the Syrian Arab Republic punish sexual violence offenses of all types, particularly sexual violence committed against women and children, and impose criminal penalties on the perpetrators thereof.

The Army, police and security forces comply with these laws which assign the Army, police and security forces the duties of ensuring the security of the country against any aggression and require them to provide security, protect public safety and protect citizens from any assault against life, honour and property under penalty of criminal liability and liability for their conduct depending on the act committed in accordance with the Military Penal Code, which increases the penalty in such cases.

Army and internal security force personnel also study, immediately upon joining service, numerous legal manuals covering topics relating to human rights and international humanitarian law. The Ministry of Interior has held a series of courses for personnel of the internal security forces to train them in human rights. More than 400 officers participated in these courses. The institute has also prepared Ministry of Interior officers as trainers to provide human rights training.

The Ministry of Interior and the Ministry of Defence collaborated with a mission of the International Committee of the Red Cross in 2010-2011 to hold workshops and training courses to disseminate the culture of international humanitarian law among law enforcement officers.

Many provisions in the Syrian Penal Code promulgated by Legislative Decree No. 148 of 1949 and amendments thereto punish the offenses of sexual assault. Legislative Decree No. 20 of 2013 Amending the Penal Code regarding the Offense of the Abduction of Persons imposes the penalty of life imprisonment with hard labour on any person who abducts a person in denial of the person's freedom based on a political or material intent, or with the intent to commit revenge, or for sectarian reasons, or with the intent to demand ransom. The punishment is increased to the death penalty if the perpetrator sexually assaults the victim.

Article 489 of the Penal Code was also amended to read as follows: "Any person who forces other than his spouse using violence or threat of intercourse shall be punished by life imprisonment with hard labour and by death if the victim is less than 15 years of age or if the offense occurred under the threat of a weapon.

IV. Paragraph 30 (c) of the concluding observations:

Acts of violence against women in places under state control are punished and the perpetrators are held accountable according to laws and regulations in the Syrian Arab Republic. Nothing impedes a battered women from bringing an action before the competent authorities against a person who committed an act of violence under the Criminal Procedure Code, Article 3.

In areas under the control of armed terrorist groups, multiple governmental, private and security entities have documented cases of violence such as sexual jihad, the marrying off of minors in refugee camps in neighbouring countries, the offenses of rape, human trafficking and sexual exploitation, particularly of women and children, and human organ trafficking. The voluntary manslaughter of women for various motives has also been observed.

It is difficult to precisely determine such offenses as many victims refrain from submitting complaints or bringing actions against perpetrators who are members of armed groups due to social reasons concerning the reputational effect of this offense and fear that armed groups will take revenge on victims or their relatives. The competent authorities have arrested a number of perpetrators who were investigated and referred to the competent authority. The Ministry of Social Affairs has also placed in protection centres assaulted girls who seek refuge with the State. Perpetrators cannot be apprehended as long as they remain in areas outside the control of the Syrian Arab Army.

In respect of acts attributed to Army and security personnel, a joint investigation committee comprising the Ministry of Defence and Ministry of Interior was formed under Administrative Order 11047 issued on 16 August 2011 by the Ministry of Defence. The committee was reconstituted under Administrative Order 1187 of 1 February 2015. It is tasked with investigating complaints submitted by citizens to the Minister of Interior concerning acts committed by Army and security personnel during the performance of their duties. The committee submits

the results of its investigations to the competent judiciary upon completing its investigations.

The administrative order emphasizes that all military and security commanders must provide all facilities needed to ensure the success of the committee's work, which is ongoing. The committee has handled a number of complaints and referred perpetrators who are members of the Army and security forces to the competent judiciary.

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